

Our meeting on April 10, 1975, started at 10:00, and present were the Navajo negotiators, the Mediators, and from our side Harry Kewanamptewa (?), Stanley Honahni, Abbott Sekaquaptewa, Emory Sekaquaptewa, and John Kennedy. Sam Pete said that the Navajos had looked at the ~~XXXX~~ Hopi proposal, and could not come up with a counter-proposal based on quarter quads. He said that people do not live in quarter quads, they live in hogans. He says, we are going chapter by chapter to try to minimize reactions and resistance. He then showed us a map which contained the grazing district boundaries, and then the chapter boundaries. Then he showed another map which had designated on it two areas, one in green for the Navajos and one in red for the Hopis. Each area contained approximately 77,000 acres, the red area to be designated from now on as a Hopi area as a tentative proposal, had 47 hogans and 26 corrals, and the green Navajo area had 560 hogans and 198 corrals. On questioning, Sam Pete said that they had no idea as to the carrying capacity of the two areas. I stated that we were concerned about access, we were concerned about equal quality, but that we didn't have any specific quarrels with these two areas except perhaps some areas in the green. Emory also indicated that we had no special quarrels except we should have in mind equal quality as well. I asked him how long it took to carry out this study and to get this information, and he said that they started immediately after our last meeting and got this information together. The area represented here ~~XXXXXXXXXX~~ as designated as Hopi is about 5% of the total ~~XXXXXXXXXXXXXXXXXXXX~~ JUA, and it represents about 1% of the people. Sam Pete said that they talked to William Yellowhair, who was involved in the Coal Mine Mesa Chapter, and that they were working with his chapter to try to determine and that there were some other areas up where Lambden, a Hopi farmer, lived. Wilson Skeets said that they're planning

to go to Red Lake and Hard Rock next. People have been asking questions. They want to know about the funding and whether the money really will be available. He said that the Navajos figured that the areas around the north end of the JUA will eventually be Navajo, and that the areas around Hard Rock and Denebto will probably end up to be Hopi. These areas around the Denebeto and Hard Rock, he said, have been their number one priority. Abbott said this is the way it has to be. You have to make this a very important thing and get out and get the work done. Gorman said, There has also been some people contacted up in the Red Lake area. Sam Pete said, We were wondering about the 250,000 acres to be acquired by the Navajos because the Coal Mine Mesa people have been asking where they are going to move if they have to move. Abbott said then that we were concerned about the time delays that were involved here, and then we asked for a caucus. We reconvened at 2:00 p.m., after an interim meeting with the Mediators. Abbott opened the meeting by commenting that he didn't really have a lot to say with respect to the Navajo proposal. He said, We have reviewed ~~the~~ ^{the} map, but the map really presented just a minimal area, and we have, as a result, grave concerns about the time that is being consumed. The map is not representative of good progress and ~~xxxx~~ we can't possibly complete the negotiations within the time allowed. He said, population is only one question. We have to get to these other matters, and we just won't have time to do it. There is not really much point in going on unless the Navajos are really ready, and up to this point, all they have been is unprepared. He said, The method they are following is just going to take too much time. Sam Pete said, Well, there is a lot of work that has to go on. He says, We've got to find out about these alternate lands and we're looking at some of these right now. Hopefully, by the next session, we will know what those will be. Abbott said,

Our talking about it won't help you to get the new lands. And I pointed out that really, lands were up to them, and they should have started on that last December. It's just costing them more money by delaying. Sam Pete said, Well, we're still worried about this hardship problem. We're worried about the people. I said, We'll never reach an agreement at the rate they're going. We can't negotiate with their chapter houses and with the people. It's this committee, the Navajo committee that has the power to negotiate, and negotiation we want to negotiate with them. And Sam said, Well, we need things like range information. And I said, You've had that since 1964. Emory said, We've agreed on the concept of equal division, and he said We have to draw the line and get it drawn now. If we don't do that, then really we're not solving any question, we're not living up to the commitment. He said, It's difficult for us to believe that the Navajos are really trying to solve the problem the way they're going about it. Gorman said, Well, this might snowball. You can't tell. Before, we've just been bickering back and forth, and now we've made a good start. But we should go slowly. Emory said, Well, we can't do it slowly and keep faith with the principles that we've made in getting this job done. And I said that by giving us these two little segments, we really couldn't even respond to that because we don't know what the whole picture is about. And Abbott said, Well, that's what he was saying. He says, There isn't really even enough to be able to talk about from what they've given us. Sam Pete says, Well, we're still concerned about trying to avoid the heavily populated areas. And I said, Well, why don't you just go ahead and draw a map the way you want to draw it, and avoid your heavily populated areas, and let us look at it. And then Gorman said, Well, we've got to go slowly. We can't get this thing done. Abbott said, Well, you're avoiding the population question unilaterally. You're not involving the Hopis, you're just trying to decide all

that by yourself. You're not giving the Hopis any kind of a sizable proposal to talk about. Then I said, Yes, at the rate we're going, we're going to go up till a year from now, and we still won't know what we're talking about. It's silly for us to be negotiating if we know from the start we're not going to reach a resolution. Gorman says, Well, how many meetings do we have left, he asked the Mediator. I said, Well, this might be the last meeting. The Mediator said, We've got six months. Then Gorman said, Why do you say this might be the last meeting. I said, Well, it might be the last meeting if it is clear to us that we're not going to reach any conclusion, it's silly for us to go on. Sam Pete said, Well, there's such a thing as a partial agreement. Emory said, Well, as far as we're concerned, we're really worried about the method that they're using, because it doesn't yield any prompt results. The Mediator said, Well, I think we would like to talk with the Navajos separately. We have talked to the Hopis, and we think we should talk to the Navajos separately. Then we just repeated the concern we had that their method of proceeding won't yield any method of resolving this problem within the time allowed. Then we recessed about a quarter to three. We reconvened after a two-hour caucus called by the Navajos. Sam Pete opened the discussion by saying that he and the other members of his committee had talked over the situation and they remained very optimistic that the method which they had decided upon would work. He said that the alternates on their committee are Councilmen on the Joint-Use Area, and they feel important to work with their people. He says, There is no doubt that we will have to work closely with all the Navajo people, and the Councilmen have, in fact, committed that they would work with their people. He said, between now and the next meeting, he thought they could come up with 15 quarter quads that they would be willing to give up to the Hopis. He said further that the 250,000 acres they saw was

a joint problem between the two tribes. He said the Navajo people want to know where they are going to be moved, and the Navajos have to find this land. He then said, We wish we could agree on these red and green areas, because if we could we would have the advantage of living in the green area while supporting the resolution of this overall problem. He said, If there is concern about the quality of the land in the red area, maybe we should bring in Montgomery and he can give us a report on it. He said, We should schedule the next meeting in three to four weeks to come up with this 15 quarter quad concept. Gilmer then said that when he ran for Councilman, he had pledged to resolve this problem in a face-to-face negotiations. He said that he also committed that he would work with the Navajo people in doing it. He said time is a big factor. It helps both the Hopis and the Navjos. It helps the Navjos because, of course, they are out there, but it helps the Hopis because the more time we take, the better the settlement will be. Abbott said, that as he had indicated earlier, no matter how plain the problem ^{the problem is approached,} the Hopis are still going to get their half. Your acquiring the 250,000 acres is not related to the Hopis getting their half. If you get more or less than 250,000 acres, it still doesn't affect the right of the Hopis to get half. The Mediator said that, as he understood it, getting the 250,000 acres might speed up the settlement process, but it wasn't contingent upon getting the 250,000 acres. Abbott repeated that the Hopis don't have any 250,000 to give, it's up to the Navajos to go find it and get it. The Mediator said, Yes, that's true, this is a Navajo problem. The Hopis wouldn't object to the Navajos getting the 250,000 acres would they? He asked that again, Would the Hopis object to including the 250,000 acres as a part of the settlement, and I said, No, if we have a complete settlement, and Emory said the same thing. Abbott said, just as long as it's understood

that it's not contingent. He asked, When are we going to see the whole picture, when are you going to make your complete proposal? Sam Pete said, well, in about six to eight weeks, we think we could make a proposal of 50% of the surface area. Abbott said that the red and the green is pretty much consistent with what the Hopis have said, and that it's really too small to comment on. The Mediator then said that the Hopi 15 quarter quads is just a tentative proposal, and they would expect the Navajos to make that kind of a tentative proposal. Sam Pete repeated again that he wanted to work with his people. Abbott said, Well, someone is going to resist, wherever that line is drawn, and you can't find a perfect place to draw the line. Abbott said, You haven't really given us too much to talk about at this point. Sam Pete said, They were still concerned about their people. We indicated to them that if they weren't able to move any faster than they were suggesting, then we were going to end up running out of time and it didn't really make any sense. Abbott said, If you're not going to bargain any faster than this, then we might just as well forget about it right now. Then, Sam Pete said, Well, our position is firm and we're not going to change. Abbott said, Well, I don't see any point in sitting around. I said, Well, as we see what their position is, it's going to take them six months from December 22 to the time they have a proposal in our hands which will be sometime around the middle of June according to their time table. I said that that didn't constitute any kind of good faith bargaining. Abbott said, What should the Hopis do while you're figuring out what your proposal's going to be. Sam Pete said, Well, you can start coming up with some criteria on these life estates. Then Skeet came in and he said, Look, the next meeting we may be able to have a 50/50 map, and a division of these 15 quarter quads. We thought you thought our idea on the piecemeal way of proceeding was a good way to proceed.

We've run into some old people who said that if I get rid of my livestock, can I live here? What do we do if a person is 65 in the red area and he wants to do that? There are one or two families out there that have that kind of feeling. Then he repeated that, by the next meeting, maybe we could come up with some kind of a 50/50 map. Abbott said, Piecemeal is not meant to separate these offers by weeks and weeks. It should be done on a day-to-day basis. Piecemeal is ok if it's fast enough. He said, Taking the lines to your people first is not a good way to proceed. You should show the Hopis the lines first, because we might have the same objections as your own people have. Then Skeet went to the board and he drew out a diagram on the board which showed a line going across the top from the West about 1/4 quad from the top about two-third of the way to the east of the JUA and then straight down to the south line. He tried to explain further that his concept that the piecemeal division, and Abbott said, Still, if we do it in piecemeal fashion, we can't use it to cause delay. Skeets said, Well, what we're saying is, we will give you two maps in three to four weeks. One will show 70% of a division, in other words, 15 quarter quads, and the other will show the 50/50 split. Abbott said, Well, we should find out the answers to these things at the same time as the Navajos once you take it to your people. Emory said, It's significant that you're now talking about giving us a 50/50 map, because up to this point, we haven't seen that and we think that's important in order to show good faith. Then Gilmer said, What are you talking about in terms of considerations as far as the land? I said, Well, we're concerned about the land quality, we're concerned about continuity, we're concerned about where the people are located--the Hopi people and where the Navajo people are. I then said, It's also very important to us, although it's not in the Bill, of where the land is in rela-

tion to the various mesas. In other words, the people on First Mesa want land that's close by, same thing with the other mesas. Emory said, If we have a line and it shows a 50/50 division, the concept will help the people prepare for the fact that there's going to be a 50/50 division. That's really the best way to get the people prepared is to begin with a line. It also shows that there is good faith. Abbott said that as far as the land is concerned, we're concerned about agriculture, recreation, grazing, a lot of different things. I said, Well, I think we need to caucus to discuss whether Wilson Skeets' suggestion of coming up with these two proposals is worthwhile. Then the Mediator made another suggestion. He said, What if by the next meeting each side come up with about 19 quarter quads that would go Navajo and 19 quarter quads that would go Hopi and then we would keep about 20% in reserve that didn't mean quite as much. I said, Well, I think we like Wilson Skeets' proposal better, but we still need to talk it over as a committee. Then we adjourned, it was about 6:30 p.m. We reconvened at 9:15 on April 11. The Hopi team consisted of Abbott, Emory, Stanley, Logan, and Myself. The Navajo team was the same. Abbott commenced by pointing out what we're doing with some of our proposals is merely meant to be tentative. As a result, we don't need as much time as was originally suggested to complete these proposals. Therefore, we should reconvene before the end of the month to keep up the momentum. I said, that as far as we were concerned, we understood that when we met again that the Navajos were going to present 50 quarter quads which were reasonably sure of, plus a tentative 50/50 line and this would be done by the end of the month. And this is what our committee wanted to see have happen. Sam Pete asked a question about whether they could combine quarter quads, and we said Yes, they could combine partial quarter quads to make a whole quarter quad.

Sam Pete also said that they plan to continue working with their people, that they needed to identify where this 250,000 acres would be. He said that if the Hopis were in the Navajos shoes, they would be asking the same question. Abbott responded by saying that the Hopis can't take the initiative on the 250,000 acres. The Hopis can't do anything to expedite it. All we can say is that the Hopis support your efforts, and your general counsel's office ought to be working on it. Sam Pete said, We have to talk about other factors; for example, the soil. We should talk to Montgomery. The house-to-house survey is unreliable. ~~XXXXXX~~ Many call-backs are going to be required. He said, The Mediator should put more pressure on the Flagstaff office to get them to work better. He said, There is also some new information available since the 1973 soil survey. I said, the Navajos should feel free to talk to the Joint-Use Area Field Office, just as we feel free, and also that each side should feel free to hire their own experts if they need additional information. The Mediator talked about the visits to the Reservation and said that, as far as their visits to the Reservation, they didn't want to interfere with the Committee's work. It wasn't necessary absolutely for the Committee to have people available to go with them, but that was up to us. They said they were open to our suggestions and available any time and we said that the Hopis have equipment and would make that available to them, and the BIA the same. Sam Pete said that the Navajo Area Office has a helicopter and would make that available also. The Mediator then said that they would come to the Navajo Reservation on April 21 and 22 and to the Hopis on the 23 and 24th. Then we talked about our next meeting, and we agreed that it would start on the 30th of April and would go the first and second of May and would be held in Albuquerque, possibly in the Four Seasons Hotel. Then we

adjourned for a few moments and they're contacting Montgomery to join us. The parties reconvened with the full committees present in addition to Roy Harmon and Lynn Montgomery also in attendance. Sam Pete said, We had questions in a couple of matters. First of all, concerning the two areas that they have proposed, they were concerned about what kind of information was available. Montgomery said that they had computer information on the 1963 range material right now, and that it would take approximately 6 weeks from the time we first met before the 73 update would be available, that is, about two weeks from today. They can provide potential sheep units year long by quarter quad right now, according to the 1963 survey, and they can also provide the potential for ^{actual for the 1963} and the potential right now. Ruzzo then asked, Can you analyze by grazing and agriculture, and Montgomery said that they can give grazing information but not farming information. Sam Pete asked, How else do you evaluate land qualities? Montgomery said, Agricultural productions. We need an appraisal if you really want more. The Mediator then talked about the 1964 range survey which showed the grazing areas, and asked us if information could be provided on the basis of dividing an area in half. Montgomery said it could be done, but it would have to be done manually. Sam Pete said, What can you tell us about potential? Montgomery said, We have 1963 figures, 1973 figures, and potential figures which are not based upon any current, but on what the eco-system of the soil can set up. The 1973 figure shows approximately the current condition ~~XX~~ and they have done some updating now, but it hasn't been ~~XXXX~~ completed yet. The potential carrying capacity is available right now, he repeated. Sam Pete said, We were concerned about water development. The Federal Government is to do some work with \$10 million, and the Navajos want both tribes in-

volved in sub-surface development. Montgomery said, I think some surface rights as set forth in the Act include the water. Sam Pete said, We want a Navajo/Hopi Water Development Authority. Ruzzo asked if the Joint-Use Area Field Office has money to help the Navajos get their 250,000 acres. In other words, they technical assistance to select the land. Montgomery said, No. It's just a matter of setting priorities. Gorman said, How will you go about rehabilitating the land? Montgomery said, Fence, reseed, and brush control. Have to control grazing, water development, wells and springs, would also be needed. Ruzzo said, Do you have any time table on this? Montgomery said, Five years. We will work by watershed areas, and we will be planning between now and July. No funds are actually available to do any work other than planning in that period. Ruzzo then asked, Then will it take a couple of years before you will do anything? Montgomery said, Well, we have some sagebrush control and we can treat maybe 1,000 acres. We'll do more later. Abbott said, We did not have any questions from the Hopi side, and we were not necessarily in agreement with some of the plans that the Government had. Skeets then asked if the Joint-Use Area Field Office would assist both tribes in determining the availability of underground water. We need technical information and assistance to share the water. Montgomery said that the Bureau had a contract with a Tucson firm and that this information would be available to the people as soon as it was completed, in fact, information for the northwest area of the JUA was now available and full information on all areas would be available by September. The southeast and southwest quarters would be available by the end of June. Mr. Gorman said that we were concerned about the runoff and what was being done to check the runoff? Montgomery said, Our restoration plans include the development of livestock, water, and also

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some ~~XXXXXXXXXXXX~~ erosion control. Skeet asked if he had some priorities as to how the restoration will be completed. Montgomery said, Right now, it's been following the fencing rights. Fencing of the JUA is to be completed in October and District 6 is to be completed in December. The Navajos evidently, according to Montgomery, have retained the firm of Morrison, Marilee, which is studying the Navajo Reservation evidently are making for minerals. And they eventually are making a study of the JUA. Skeet said, Suppose we agree on land division. Will the Tribe be involved in planning on the restoration? Montgomery said, the planning up to this point had been based on joint use, and if a line would be drawn, then we would have to decide on who would do what. Skeet asked, Well if we draw a line, will the money for restoration still be available? The Mediator said that it would be. Skeet said, What about a request for relocation money? Who is pushing this? Montgomery said, The Relocation Commission has this responsibility. He said that the JUA Field Office has been increasing the number of people working on the ~~XXXXX~~ house-to-house survey project, but that's all they've done. Then after a recess and reconvention, the Mediator asked if we had any further questions concerning the matters brought up by the Joint Committee. The only questions that were asked related to getting the money, and the Mediator indicated that we would try to get things moving if he could. Sam Pete said that the house count was going too slowly and he said that there should be a push by the Mediator on our request for technical assistance funds. The Mediator said he would follow up on that. Abbott said, We shouldn't get locked on just one thing with respect to this money available for the restoration. We wanted to talk to the Mediator privately about that. ~~THAX~~ I said, The BIA ought to be able to send somebody on loan from someplace, and suggest that they contact Martin Seneca or some-

body from the office they trust responsibilities, to help out. We asked the Mediator if he knew who had replaced Brad Patterson, and he said he didn't know. We asked the Mediator if he knew the Commission had been appointed, and he said he didn't know, but that he would follow up on that. He didn't think the Commission (Relocation Commission) had been appointed. The Mediator said further that he would do everything he could to get money available as soon as possible and that we would have to move fast to get these supplemental funds. We then turned to the question of a press release. I read the draft that we had prepared, and then Sam Pete said, Well, we don't think we want any press releases. It just causes problems, and we don't want to just cause more problems. I said, Well, maybe we could go along with that if we could get this other statement that we did up on the correction. Sam Pete says, No, that he did not want to draw any attention to that old mistake, and that they had changed their mind about the correction. At that point, we got rather upset about the situation and told them that was not what our agreement was and that they were welching on our deal. We didn't feel that was fair. ~~XXXXXXXXXXXX~~ If we couldn't work out some correction, then we would have to work it out ourselves. Abbott said that we can make this correction ourselves, and I said well I have to hold our own press conference and answer any questions put to us. At that point, the Mediator said, Well, let's see if we can't work out something. Abbott left the room, the mediators prepared a release, and they read it to us. Basically what the release said, was, it took ~~theXXXXX~~ first part of the draft that we had prepared and, changing a word here and there, then took the correction and completely disregarded the correction that we agreed upon, and stated merely that the parties were concerned about the

inaccuracies (reports), specifically the one in the Gallup paper and that no such statements were made and the only authorized statements made were, and then just repeat what we had said before, namely that the Navajo hardship question would be considered, and that the Hopis in the near future would be restored an equal share of the surface of the JUA. At at that point, we said we needdd to talk to our Committee about it and we just recessed. After reconvention, we discussed the press statement and said to the Navajos that the Mediator's release just isn't what we agreed to. And we weren't about to start changing our agreements. Sam Pete said, Well, he thinks it's the same as earlier. what we agreed to ~~XXXXXX~~. I said, if it's the same, then why not use what we agreed to ~~XXXXXX~~ earlier. Sam Pete said, Well, we think we're going to use what the Mediators have drafted and not what we had drafted before. Emory said, This is an important question, and the parties agreed to something at the outset and we have relied on that and we have been moving into these negotiations ~~XXXXXX~~ under the assumption that this is what we were going to do. Mary Lou asked if she could make a statement, and saidtthat she thought these press statements just hurt the parties, and Emory said, Well, that's right, and we agreed that we don't have to have a statement. Sam Pete said, Well, we don't feel like we ought to change what the Mediator has, and we are not going to go along with what was originally agreed upon. I said, Well, that's fine. We're just going to go ahead and hold our press conference then, and we'll just put out whatever information is necessary in the press conference and set the record straight, and answer any questions that they want to ask. Then the Mediator got very concerned. He didn't want to have a press conference. He said, Well, how about if I modify the statement and include the portion from our statement that we had originally agreed upon and add that on to the back

end of his statement. Sam Pete said, Well, I'm not really interested in doing that. We want to just go with the way the Mediator has done it before. I said, Well, that's fine, we'll just go ahead and have our press conference. Our Mediator said, Well, no, I don't think this is a good idea. I think I am going to request the parties not to make any statements at all, and I will issue a statement. The statement that I issue will be the first page of the release plus the second ~~paragraph~~ paragraph of our agreed upon correction. Basically then, what the statement would read would be as follows: Committees for the Navajo and Hopi Tribes concluded the second session ~~XXXX~~ of negotiations under recent federal law in an effort to resolve a long-standing dispute over 1.8 million acres of jointly owned land in northern Arizona. The current three-day session held in Tucson followed an earlier four-day session that ended on March 20. The mediators and both travel committees reported favorable progress. We also recognize that much hard work needs to be done before a final agreement can be reached. By agreement, another session will be scheduled in the very near future. After the March session, very misleading and inaccurate news reports appeared, notably, in an article in the "Gallup Independent" on March 27, 1975. Among other inaccuracies in that article, Mediator Simpkin was quoted with no basis for such quotation, in a matter contrary to the joint understanding. Partly as a result of that experience which had an adverse affect on negotiations, both committees and mediators believe firmly that the interest of the negotiated settlement will be best served by no further press releases concerning the substance of negotiations unless it is subsequently authorized by all interested parties. Then they would add the part that we agreed upon, omitting the first paragraph. The first paragraph that would be omitted said,

Concerning the article published under the biline of Bill Donovan and the "Gallup Independent" on March 27 attributing certain comments ~~XXXXXXXX~~ to Mediator Simpkin, the Mediator of both tribes stated that the article was totally misleading and inaccurate. Then the part that would be added says this: Correcting the "Gallup Independent" article, the parties and the Mediator stated, "There was and is a specific agreement that in the near future, the Hopi Tribe will be restored its exclusive use and ownership of one-half of the surface area of the Joint-Use Area. Any implication that the parties agreed that the Hopis would receive less than their one-half of the land surface area is completely false. There was also agreement that the tribes would take into account the personal accounts of the Navajo people affected." And that would be the end of the statement. Sam Pete's comment on this proposal that the Mediator made was that, if we added the term "in principal" in other words that there was and is a specific agreement "in principal" that in the near future the Hopis, etc., would be restored. That's what his suggestion was, and he implied that if that were in there, they would go along with it. We told the Mediator that we would have to discuss this with our Committee, and that we would get back to them on their request. Then we recessed again. Simpkin said that he planned to release these articles only to the Hopi and Navajo papers and that they would be released next week in time for publication. We also presented our new map showing equal division of the area as an alternate to the Steiger line. We further said that the Steiger map was still viable and that the proposal that we made was only a tentative proposal.

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